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In the Matter of)	
)	
Adjustment of the Rates for)	Docket No. 96-6
Noncommercial Educational)	CARP NCBRA
Broadcasting Compulsory License)	

THE PUBLIC BROADCASTERS' REPLY IN
FURTHER SUPPORT OF THEIR MOTION
TO STRIKE ASCAP'S INTRODUCTORY STATEMENT

The Public Broadcasting Service ("PBS") and National Public Radio ("NPR"), in conjunction with the Corporation For Public Broadcasting ("CPB") (collectively the "Public Broadcasters") submit this memorandum in further support of their motion to strike pages 3-9 of ASCAP's introductory statement.

The rules governing this proceeding simply do not permit a party to submit an opening argument with its written direct case. ASCAP attempts to mislead the Copyright Office by citing to § 251.47(b) of the Rules governing this proceeding, which permits a party to present an oral opening argument at the hearing of this proceeding, as support for its submission of a written opening argument. It is precisely because ASCAP will have this opportunity at the commencement of the hearing that the legal argument sections of ASCAP's introductory statement (pages 3-9) are improper and should be stricken.

ASCAP's suggestion that the Public Broadcaster's themselves have submitted an argumentative introductory statement is utterly ridiculous. One need merely read the introductory statements of both the Public Broadcasters and BMI to see how they differ in tenor and scope from ASCAP's. Indeed, the subject matter and tenor of the first two pages of ASCAP's introductory statement, which the Public Broadcasters have not moved to strike, are extremely similar to the Public Broadcasters' and BMI's introductory statements. The remainder of ASCAP's introductory statement is structured and reads like a legal brief, and thus is beyond the scope of the submissions a party is permitted to file in this proceeding with its written direct case.